

**Dexter City Council Meeting  
January 10, 2022**

**Additional Staff Updates**

**Ice Rink Open.** As of Saturday, January 8<sup>th</sup>, the Ice Rink in Monument Park is open.

**3045 Broad St Redevelopment RFP.** The due date for respondents to submit proposals to our RFP was Friday, January 7, 2022. Unfortunately, we did not receive any proposals. I contacted Guenther Building Company to find out why they hadn't submitted a proposal. Staff was told they only want to buy the property out right and develop it for residential use only, and that was not an option offered in the RFP. Guenther is not interested in doing a mixed-use development of any type. With that said, they had other reasons for not submitting a proposal and those reasons are economy driven (i.e., supply chain issues). Staff will be reaching out to the other developers who were sent the RFP, to get their feedback, and the an update will be provide to the DDA at its January 20<sup>th</sup> meeting.

**Responses to City Council Questions**

**Department of Public Services Report**

1. (page 8) Regarding the 2021 letter of violation for phosphorus, could you please include any additional information documenting actual or potential short- and long-term consequences of that violation?

The consequences for NUBCo are that the City is obligated to publish notice in the City's paper of record that that there has been a violation of the IPP ordinance, and NUBCo will pay a surcharge on the phosphorus overage, which they are fully aware of and have paid in previous years. The City may impose up to \$1,000 for each exceedance per day, but the City has tended towards working with the owner to move them towards compliance rather than imposing such penalties.

The consequences for the City of Dexter are different from NUBCo. The City is required to meet the NPDES permit for phosphorus year-round. The new NPDES permit that is active Feb 1, 2022 has significantly reduced the amount of phosphorus that the City is permitted to discharge. The City can currently meet that discharge limit as long as nothing goes wrong, or no businesses increase our phosphorus loading. The Dexter WWTP can process the phosphorus from NUBCo by adding extra ferric chloride to the treatment process, which increases our chemical cost. In turn, NUBCo is surcharged for that cost.

As long as the City continues to meet the NPDES permit requirements, the City may choose how we handle NUBCo as long as it is permitted by City Ordinance. If we violate the NPDES permit, the State will start with sending us a letter of violation. The City could also be fined, with court orders dictating how we operate the WWTP and deal with our businesses.

**Community Development Manager Report**

2. (page 9) Regarding the recent preliminary zoning compliance permit submitted by Guenther Building Co., the developer of 150 Jeffords, how long would you expect the permitting process to take? [Following issuance of the PZC permit, the applicant takes the approved PZC permit to the County Building Department and applies for a building](#)

permit. The County is operating on a skeleton crew, like many of our businesses, so it's taking a bit longer than usual for review and permit approval.

That is, if everything went smoothly, how long before the new tenant, Charter Control, could occupy the space? I suspect there are many variables, but I would like to better understand what the timeline for something like this is if there were no "hiccups." I don't anticipate occupancy for at least 3 months, but it could be longer.

3. (page 10) Regarding the Care 2 Cure project, the report notes that the project is on hold while changes to make the project "feasible" are being made to the building design. Were these changes in any way required by the City or were they independently initiated by the developer?

The changes were entirely driven by the property owner, in connection with A.R. Brouwer. Staff issued administrative approval of the proposed minor amendment to the approved final site plan, and informed the Planning Commission and City Council. The applicant submitted a revised landscape plan as required, but the plan had minor discrepancies, which AR Brouwer is correcting. Staff anticipates the revised materials will be provided today or tomorrow.

4. (page 11) Regarding the Grandview Commons application to be considered by Council, but referring specifically to the update provided on page 11, is there any other information that would help Council understand why it's taken nearly six months for this plan to come before Council?

The short answer is yes, there is other information that would help Council understand why it took nearly six months for the Amended Condo Docs to come before Council. Here are some additional details:

The developer submitted an application for an amendment to the approved Condominium Documents (July 29, 2021) before obtaining approval of a change he wanted to the approved final PUD plan for Grandview. In regards to the amendment to the final PUD site plan, the developer started-out by proposing (June 2021), and then applying for a minor amendment to an approved final PUD plan (July 14, 2021). This morphed into a major amendment to an approved final PUD plan (August 8, 2021), before the developer decided to pursue a minor amendment to the approved final PUD plan for Grandview Commons (September 2021). Once staff was able to conduct a thorough review of a complete set of plans (September 2021), the developer was required to submit revised plans to address zoning and engineering regulations that were not known before the submittal of complete plans.

Why did it take that long? From the beginning, developer and his representative were not all on the same page with the changes the developer wanted. With that said, once staff was able to approve the minor amendment to the final PUD plan (Dec 2021), the Developer had to submit revised condominium plans to corresponded with the approved final PUD plan amendment. If more details regarding this project are desired, staff would be happy to meet to talk with council members directly.

Had the developer wanted to proceed with the "major" amendment as originally proposed, how, if at all, would the process have changed? Are "major" amendments not allowed?

The type of amendment wasn't the problem. Major amendments to approved final site plans and approved final PUD plans are allowed, but they must go through a Planning Commission review, with final action by City Council. Minor amendments can be reviewed and approved

administratively, but must be reviewed using the same criteria/regulations as a PC/CC review. Amendments to approved condominium document currently must go through a PC review, with final action by CC.

Per the update, the only change made was the elimination of a private patio and reducing a proposed retaining wall. I'm not sure why that took months to resolve, so perhaps I am missing something.

At first blush it does appear simple; however staff, in an attempt to not "throw anyone under the bus", has provided a succinct summary. If more details regarding this project are desired, staff would be happy to meet or talk with council members directly.

5. (page 14) Regarding The Fillmore's expanded outdoor service area, was that project successfully completed as far as the City's process is concerned? I don't recall seeing the patio in use this summer or fall. Is there anything left for the City to do or approve here?

The owner of the Fillmore hasn't provided the revised plans needed to move his project forward. Backstory: In an attempt to help the owner keep the project moving forward, back in June 2021, staff issued a preliminary zoning compliance permit for the expanded outdoor service area under the condition that the owner had to provide details regarding a proposed retaining wall around the patio, prior to its construction. The owner didn't follow conditions of the permit and began construction of the retaining wall and the stone columns, associated with the patio. As a result, the retaining wall and columns don't meet building code requirements. So, staff arranged a meeting with the owner and the building department last fall, and now we are just waiting for the owner to provide the revised plans to meet the code. I follow-up with the owner regularly. At this point, the owner is waiting for warmer weather.

### **City Manager Report**

6. (page 16) Have the boxes from 8140 Main St. been relocated to 3515 Broad St.? Is there anything else the City needs to do before DAFD has full access to that room and Chief Smith can address the fire station's water softener issue?

Yes, the boxes have been moved from 8140 Main St. to 3515 Broad St., and the Chief has been notified that he has full access to the room in the basement of 8140 Main. DAFD may proceed with installation of their water softener.

7. (page 17) Regarding the recent departure of our assistant city planner, was an exit interview conducted? If so, by whom? Any relevant updates for Council here?

A formal exit interview was not performed, but both the City Manager and Community Development Manager spoke with the outgoing Assistant Planner multiple times before his departure. At this time, there are no relevant updates for City Council outside of the work being done to fill the vacancy.

### **Consent Agenda**

8. (page 29) Per the memo, the Charter and state law are not in agreement about the dates on which the Board of Review must meet to hear appeals of property assessments. Has this happened in the past? Is this a discrepancy that should be addressed by Council?

Statutory language: The Board of Review must meet on the second Monday in March (MCL 211.30(2)) [Note: this is speaking about the second session, which are for hearings. The first meeting is organizational.]

Charter Language: The second session of the Board shall convene on the third Monday of March (Charter Section 10.09) [Note: The organizational meeting is listed in the Charter the same as in state law.]

I discovered this discrepancy last year, and informed Council at that time. I checked with Scott Munzel and he said that the Charter takes precedence – so our BOR meeting dates will never match state law unless the Charter is changed. I believe that the only way to change the dates would be by a vote of the people.

## **L1. Fire Station**

9. (page 35 and page 44) Two different sets of ballot proposal language deadlines are included in the packet. Could you please double check which deadlines apply to Council in this circumstance?

Per the Michigan 2022 Election Dates Booklet:

"By 5:00 p.m., April 26, 2022 Petitions to place county and local questions on the August primary ballot filed with county and local clerks. (168.646a)

By 4:00 p.m., May 10, 2022 Ballot wording of county and local proposals to be presented at the August primary certified to county and local clerks; local clerks receiving ballot wording forward to county clerk within two days. (168.646a)

By 5:00 p.m., August 2, 2022 Petitions to place county and local questions on the November general election ballot filed with county and local clerks. (168.646a)

By 4:00 p.m., August 16, 2022 Ballot wording of county and local proposals to be presented at the November general election certified to county and local clerks; local clerks receiving ballot wording forward to county clerk within two days. (168.646a)"

As confirmed by the County Clerk, if a resident submits a petition, which would require the City Clerk's review for signatures, their deadlines to submit the petitions would be April 26<sup>th</sup> (for August) and August 2<sup>nd</sup> (for November). If City Council wishes to place an item on the ballot (which does not require a review for signatures), the deadline to certify the language to the County Clerk is May 10<sup>th</sup> (for August) and August 16<sup>th</sup> (for November) by 4:00pm.

## **M1. Hardship Guidelines**

10. (page 89 and page 92) What was the income multiplier before we changed it last year? Did we change it from 2 to 2.2? Had it always been 2 prior to last year's change? Curious about the timeline of change, if there is one. The cover memo indicates the multiplier would be 2, but the actual guidelines say 2.2.

Prior to 2015: Townships adopted them, the Village did not. I believe Scio Township was at 2.0 at the time we became a city.

2015: 2.0

2016: 2.0

2017: 2.0

2018: 2.0

2019: 2.0

2020: 2.0

2021: BOR 2.0 – changed to 2.2 by Council

2022: No changes recommended by BOR